



IFW

51468

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : PATENT  
Hartmut SCHÜRG et al. :  
Serial No.: 10/587,218 : Art Unit:  
Filed: July 25, 2006 : Examiner:  
For: AIRCRAFT PASSENGER SEAT :

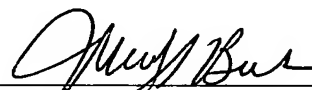
**SUBMISSION OF ENGLISH LANGUAGE  
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the  
above-identified application.

Respectfully submitted,

  
Mark S. Bicks  
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP  
1300 19th Street, NW, Suite 600  
Washington, DC 20036  
(202)659-9076

Dated: March 22, 2007

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

**Bartels und Partner**  
**Patentanwälte**  
Bartels und Partner  
Lange Strasse 51  
70174 Stuttgart  
ALLEMAGNE

Eingegangen:  
Received: **18. OKT. 2006**

TERMIN .....

Date of mailing (day/month/year) 12 October 2006 (12.10.2006)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 40orr/129284/PCT	
International application No. PCT/EP2005/000638	International filing date (day/month/year) 24 January 2005 (24.01.2005)
Applicant <b>RECARO AIRCRAFT SEATING GMBH &amp; CO. KG et al</b>	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

**Agnes Wittmann-Regis**

Facsimile No. +41 22 338 82 70

Facsimile No. +41 22 338 82 70

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 40orr/129284/PCT	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/EP2005/000638	International filing date ( <i>day/month/year</i> ) 24 January 2005 (24.01.2005)	Priority date ( <i>day/month/year</i> ) 29 January 2004 (29.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant RECARO AIRCRAFT SEATING GMBH & CO. KG			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 03 October 2006 (03.10.2006)</p> <p>Authorized officer</p> <p style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</p> <p>e-mail: pt06@wipo.int</p>
--	---

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

**EP05638**

Date of mailing (day/month/year)      **See form PCT/ISA/210**

Applicant's or agent's file reference

**40orr/129284/PCT**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/EP2005/000638**

International filing date (day/month/year)

**24.01.2005**

Priority date (day/month/year)

**29.01.2004**

International Patent Classification (IPC) or both national classification and IPC

**B64D11/06**

Applicant

**RECARO AIRCRAFT SEATING GMBH & CO. KG**

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000638

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

☐

3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000638

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4-8	YES
	Claims	1-3	NO
Inventive step (IS)	Claims	7, 8	YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

1. Reference is made to the following documents:

D1: US-A-4 836 602 (D'ALMADA REMEDIOS ET AL)  
6 June 1989 (1989-06-06)

D2: WO 02/32268 A (DONLAN ET AL) 25 April 2002  
(2002-04-25)

D3: US-A-5 507 556 (DIXON ET AL) 16 April 1996  
(1996-04-16)

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of independent claim 1 is not novel within the meaning of PCT Article 33(2).

2.1. Document D1 discloses (see column 2, lines 23-38 and figures; the references between parentheses refer to this document):

aircraft passenger seat (1) with seat components, such as a seat part and a backrest (12) with a support structure (implicit) which supports a backrest cushion and on the rear side of which an eating table (20) which may be folded against the

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

same and away from it into a use position and a pocket-like container (17) for receiving requisites are arranged, the container (17) being formed by a cavity which extends in the support structure of the backrest (12) at least partly between the folded-up eating table (20) and the backrest cushion.

All the features of claim 1 are therefore known from D1.

3. **Dependent claims 2-6** do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

3.1. Claims 2, 3 and 6: all the features of these claims are also known from D1.

3.2. Claim 4: these features have already been used for the same purpose in a similar seat, cf. in this regard document D2 (see abstract; page 5, line 29 to page 6, line 13 and figures 7 and 8).

3.3. Claim 5: these features have already been used for the same purpose in a similar aircraft passenger seat, cf. in this regard document D3 (see column 1, lines 7-11; column 3, lines 9-14 and figure 2).

If a person skilled in the art wished to achieve the same aim in an aircraft passenger seat as per document D1, he could easily apply these features

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000638

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

to like effect to the subject matter of D2 or D3.  
In this way he would arrive at an aircraft  
passenger seat as per claim 4 or 5 without thereby  
being inventive.

4. The feature combination contained in **dependent claim 7** and **claim 8 dependent** thereon is neither known from nor suggested by the available prior art.

5. **Summary**

Claims 1-6 do not meet the requirements of PCT Article 33(1). It appears that claims 7 and 8 meet the requirements of PCT Article 33(1).